

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

EARL ARNOLD #308227,

Plaintiff,

No. 5:16-cv-13403

v

HON. JUDITH E. LEVY

HUTCHINSON and R.
HARBAUGH,

MAG. MONA K. MAJZOUN

Defendants.

Earl Arnold #308227
In Pro Per
Hornes Boarding House
1501 Dupont St.
Flint, MI 48504

David Hoort (P28492)
Assistant Attorney General
Attorney for MDOC Defendant
Civil Litigation, Employment &
Elections Division
P.O. Box 30736
Lansing, MI 48909
517.373.6343

EXHIBIT 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

EARL ARNOLD #308227

Plaintiff,

v

HUTCHINSON et al.,

Defendants.

No. 5:16-cv-13403

HON. JUDIDTH E. LEVY

MAG. MONA K. MAJZOUN

Earl Arnold #308227
Plaintiff in Pro Per
Gus Harrison Correctional Facility
2727 East Beecher Street
Adrian, MI 49221

David Hoort (P28492)
Assistant Attorney General
Attorney for MDOC Defendant
Civil Litigation, Employment &
Elections Division
P.O. Box 30736
Lansing, MI 48909
517.373.6434

AFFIDAVIT OF RICHARD HARBAUGH, R.N.

I, Richard Harbaugh, R.N., having been duly sworn, depose and say:

1. If sworn as a witness, I can testify competently to the facts contained within this affidavit.

2. At all times relevant to this lawsuit, I was employed by the Michigan Department of Corrections (MDOC) as a Clinical Assistant to the Chief Medical Officer for the Bureau of Health Care Service.

3. I have personally reviewed the Complaint filed by Plaintiff in the above action and am familiar with its content. My actions, in this case, were during the course of my employment, within the scope of my authority, in good faith and in the exercise of my discretion as a Registered Nurse and Clinical Assistant to the

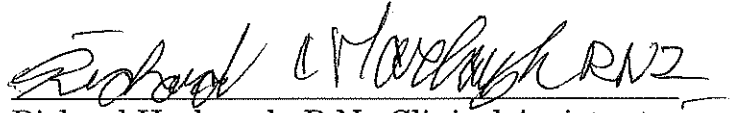
Chief Medical Officer for the Bureau of Health Care Service. I have not been disciplined or addressed by MDOC for any improper actions relating to this incident.

4. The documents referenced in this affidavit are records of regularly conducted activity of the MDOC, and are kept in the regular course of business of the MDOC. Any copy of these records attached to or accompanying this affidavit are true and accurate copies of the original records.

5. In this case I approved the Step III Grievance Appeal Response relating to Plaintiff's grievance and complaint that he was being denied treatment for Hepatitis C. Upon my review of the electronic medical record, the Response to the Step I grievance and the Step II appeal appropriately addressed Plaintiff's grievance. The Medical Provider orders treatment based on his qualified judgment within proper guidelines. The records show that Plaintiff will continue to be monitored by the Infectious Disease Medical ID specialist, based on his needs and expressed concerns. With regards to treatment for Hepatitis C, the Medical Care Provider/Infectious Disease specialist determines any and all HCV treatments. My determination was, to the best of my ability, experience and training, that Plaintiff's grievance should be denied. Plaintiff's medical needs were being addressed.

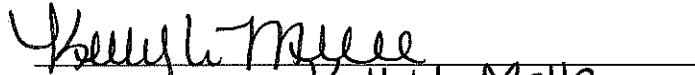
6. I have no malice or wrongful intent towards Plaintiff. I take my job and responsibilities as a Registered Nurse, Clinical Assistant to the Chief Medical Officer for the Bureau of Health Care Service and my role with grievances and appeals very seriously and am committed to the Department providing the best

medical care possible, and to being fair and impartial to prisoners and staff. It is my objective and expectation to always follow, to the best of my ability, the legal and ethical obligations required of me as a nurse and applicable MDOC rules and policies.



Richard Harbaugh, R.N., Clinical Assistant
to the Chief Medical Officer for BHCS
Michigan Department of Corrections

Subscribed and sworn to before me, a Notary Public,
on the 10th day of November, 2016.


Notary Public, Kelly L. Melle

Ionia County, Michigan
acting in My Commission Expires: 12/11/19
Ingham County, Michigan